

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

WESTCHESTER COAL, LP. , a.k.a
WESTCHESTER COAL LIMITED
PARTNERSHIP,

Case No. 2:16-mc-00033

Respondent,

and

WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
BRANCH BANKING AND TRUST COMPANY,
and PURE ENERGY COAL, LLC,

Garnishees.

MOTION TO APPEAR BY TELEPHONE

COMES NOW Proposed Intervenor, Joseph A. Pack, by undersigned counsel, and respectfully requests that the Court permit its counsel to appear by telephone at the Motion Hearing set for July 9, 2018, at 3:00 p.m. in Charleston before Judge Joseph R. Goodwin.

Rule 78.1 of the Southern District of West Virginia's Local Rules of Civil Procedure states that "[t]he judicial officer may require or permit hearings on motions, and the hearings may be by telephone." The undersigned counsel, Stephen P. New and Amanda J. Taylor will be in Denver, Colorado on July 9, 2018, for a legal conference. Therefore, Proposed Intervenor, Joseph A. Pack asks that the Court permit the undersigned counsel to appear at the July 9, 2018, Motion Hearing by telephone, pursuant to Local Rule 78.1.

JOSEPH A. PACK

By Counsel

/s/ Amanda J. Taylor

Stephen P. New (WVSB #7756)

Amanda J. Taylor (WVSB #11635)

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CERTIFICATE OF SERVICE

I, Amanda J. Taylor, counsel for Proposed Intervenor Joseph A. Pack, hereby certify that the foregoing Motion to Appeal by Telephone has been served on all parties hereto or their counsel of record via CM/ECF or U.S. Mail as follows:

Branch Banking and Trust Company
4320 Kahn Dr. Bldg. 2
Lumberton, NC 28358

West Virginia Department of Environmental Protection
601 57th Street, Southeast
Charleston, WV 25304

Pure Energy Coal, LLC
12200 Limebay Lane Apt. 204
Raleigh, NC 27613

Aaron D. Samsel
National Labor Relations Board, CCSLB

1015 Half St. SE – 4th Floor
Washington, DC 200003

Westchester Coal, L.P.
Ste. 500, 1414 8th St. SW,
Calgary, AB T3E-7M8
Canada

This 28th day of June, 2018.

/s/ Amanda J. Taylor
Amanda J. Taylor (WVSB#111635)